

### REMARKS

Claims 60-100 and 102-113, which were withdrawn from consideration, are now cancelled without prejudice or disclaimer. Applicants reserve the right to pursue claims similar or identical to these claims in one or more applications claiming priority to the instant application.

Claim 52 has been amended to recite that at least a portion of the anode is liquid at a temperature at which the anode is operated. Support for this amendment can be found in the specification, for example, on page 7, lines 17-18.

New independent claim 121 has also been added. Claim 121 is based on claim 52 as pending prior to amendment herein, and further recites that the anode comprises tin. Support for this amendment can be found in the specification, for example, on page 10, lines 8-12.

New dependent claims 114-120 have also been added. Claim 114 recites that the anode comprises tin. Support for this amendment can be found in the specification, for example, on page 10, lines 8-12.

Claims 115 and 122 recite that the anode is chemically rechargeable to a reduced state from an oxidized state comprising an oxide selected from the group consisting of a metal oxide and a mixed metal oxide. Support for this amendment can be found in the specification, for example, on page 6, lines 22-29.

Claims 116-120 and 123-127 recite that the anode is operable at various temperatures. Support for these amendments can be found in the specification, e.g., on page 8, lines 7-21.

No new matter has been added by any of these amendments. Claims 52 and 114-127 are now pending for examination.

### Rejections in view of Sapru

Claim 52 has been rejected under 35 U.S.C. §102(b) as being anticipated by Sapru, *et al.*, U.S. Pat. No. 4,551,400 ("Sapru").

Applicants do not see where Sapru discloses or suggests an anode where at least a portion of the anode is liquid at a temperature at which the anode is operated, as is recited in claim 52, as amended, nor do Applicants see where Sapru discloses or suggests an anode comprising tin, as is recited in claim 121. Accordingly, it is respectfully requested that the rejection of claim 52 be withdrawn.

Rejections in view of WO 01/80335

Claim 52 has been rejected under 35 U.S.C. §102(b) as being anticipated by Int. Pat. Apl. Pub. No. WO 01/80335.

The present application is a divisional application of U.S. Patent Ser. No. 09/837,864 (filed on April 18, 2001), which claims priority to U.S. Patent Ser. No. 60/197,998 (filed April 18, 2000). WO 01/80335 also claims priority to U.S. Patent Ser. No. 60/197,998, and has a specification identical to that of the instant application and identical inventorship, and therefore is not prior art under any section of 35 U.S.C. §102. Accordingly, Applicants respectfully request that the rejection of claim 52 in view of WO 01/80335 be withdrawn.

CONCLUSION

In view of the foregoing, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this response, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge our Deposit Account No. 23/2825, under Order No. T0457.70019US00 from which the undersigned is authorized to draw.

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Respectfully submitted,

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